

Weare Conservation Commission

Minutes

2-8-06

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In attendance were: Andrea Alderman, Pat Myers, Steve Najjar, George Malette, and Andy Fulton

Guests: Chuck Bolton, Paul Morin, Linda White, Ann Poole, and Denise Ricco

Meeting convened at 7:09 pm.

1). Pine Hill Forest project update – Steve updated the group on the progress of the project. The warrant article was accepted at the February 4, 2006 Town Deliberative session with no amendments, and broad support. The final appraisal was completed by Scott Dickman and is available in the conservation files for all interested parties to peruse. The appraisal came in at \$2,025,000.00, exceeding the purchase price of \$1,800,000.00. New Hampshire Fish and Game submitted a letter in support of the project. Steve is meeting with the NH F&G Lands Committee on Wednesday, February 15, 2006 to present the project. The amount requested from NH F&G is \$50,000.00. Steve has also submitted a request to the Russell Foundation for \$200,000.00. Steve suggested that if these grants come through they would be newsworthy events and we should take the opportunity to notify the press. The property specific cost analysis of the project was completed by Chris Wells of the Forest Society. Steve described the assumptions made in the analysis and a copy of the spreadsheet was made available to all attendants. Paul Morin described his analysis of the spreadsheet. He expressed that our number for schoolchildren per household (0.568) is low for new developments. In a similar analysis, Paul surveyed a small sample of Weare households on new streets and found the number for this sample was 0.71. Paul also asked why we included the entire cost of educating a student as opposed to the cost per student to the Weare taxpayer. This number excludes state funding, and other expenses that are not directly paid by Town taxes. Andrea answered that using the total cost per student removes the concern that we're looking at a "snapshot in time". It allows for the possibility that funding sources could change, and that the total cost to educate each student could fall to the Weare taxpayer in a different state funding scheme. Steve added that our number is defensible because whether the money comes from town, state, or local taxes, it's still being paid by citizens. After some discussion, Paul suggested that a footnote be added to explain that it is the total cost to educate that is included in the spreadsheet and not the Town tax cost. He also expressed that there are many reasons to pursue the purchase of the property beyond the calculation of the cost to the town. It's his belief that we shouldn't place too much weight on the numbers side of the argument because we are comparing apples to oranges. Chuck Bolton also described his analysis of the spreadsheet. In his opinion, we have "lowballed" the figures and that they are so conservatively estimated that they are easy to defend. He believes our number for students per household is low, and our cost for non-school town services is low. Steve added that at some point cost of town services increases exponentially. Examples he cited include increases in number of police needed as well as the possibility of non-volunteer fire department at some point in the future. Steve also expressed that the spreadsheet only looks at the next 20 years, not the cost of houses on the land into the distant future, and it doesn't take into account possible timber revenue. Additional discussion centered on the possibility of a town wide Cost of Community Services Study. Steve gave thanks to Chris Wells, and Jonathan Dowst for compiling and crunching the

numbers. Andrea gave an update on the Open Space Forum to be held the week of March 6. Gordon Russell will speak, along with a second speaker, to be announced. The date for the Forum will be announced in the coming days. Steve announced two site walks to be held on March 4, and March 11 at 9:00. PWA and the WCC will be leading the walks. Details are to be finalized. Steve described the status of the Due Diligence process. We have survey plats for all parcels. We need to have a title search and buy title insurance. The title search will be handled by the town attorney. Steve made a motion to authorize the expenditure of \$3,000.00 from the Conservation Fund for the title search. Pat 2nd. All voted in favor and the motion carried. The group entertained questions from our visitors from neighboring towns: Linda White and Ann Poole from the Hillsborough Conservation Commission and Denise Ricco from Henniker Conservation Commission.

2). Changes to Cluster Regulations – Chuck Bolton made a presentation to describe the changes to the cluster regulations that will appear in the Town Warrant in March. Regarding cluster developments, he sees three possible scenarios. Scenario 1 – the developer wants a cluster; scenario 2 – the developer does not want a cluster but the Planning Board requires it; scenario 3 – the developer does not want a cluster and the planning board does not require it. The changes to the regulations address scenario 1 because it requires that either the open space be deeded to the town or a conservation easement be held by the town, a conservation organization or an agency of state government. Chuck believes that this requirement will give the CC leverage in determining the configuration of the open space because the developer is required to find an organization who will accept the easement. If the open space does not live up the standards of the potential easement holder, the development cannot proceed as a cluster. Steve raised a number of questions and concerns. First, the CC has seen some clusters where no thought was given to the ecology of the parcel. This leads to a situation where no organization is interested in an easement. Second, developers will not pay \$10,000.00 unless we require it. George replied that according to Bill Drescher, town attorney, we can't require the \$10,000.00 and require a cluster, it has to be one or the other. Chuck added that the \$10,000.00 can be used as a negotiating point. Third, what happens in the scenario where the CC doesn't want to hold an easement but the town decides to take it anyway. Chuck feels that this is a possibility the way the regulations are written, but a very slight possibility. He feels the BOS would not take an easement without the recommendation of the CC. Additional discussion centered on the need for the CC to be provided with feedback from the PB when the CC makes a recommendation that is not followed. George stated that the best way to assure that our wishes are met is to attend PB when are recommendations are to be discussed. Pat assured the group that our communication and participation with the PB are at an unprecedented level and although it may seem frustrating some of the time, we should be glad to have the level of participation we have. Steve brought up the possibility of reserving a voting position on the PB for the CC. This would ensure that a vote is available to the CC if we choose to use it. George expressed concern over the ability to fill the position.

3). Review of Brookshire Deed – the minutes of 12/14/2006 were reviewed to ensure that our recommended changes were made. It was found that some changes were made but some were not. It was suggested and the group agreed that Bob Baskerville be asked to attend the March WCC meeting to agree on final wording. It was also agreed that the CC should vote on the final wording before it's forwarded to the PB. Pat volunteered to compile our changes by tracking changes in Microsoft Word and forward that to Tom so that Tom could forward the changes to Bob. It was also suggested and the group agreed that an attorney look at our final draft before it gets forwarded to the PB.

Recommended changes are as follows:

- Page 1, Paragraph 4, beginning “The Property shall be maintained...” add “excluding forestry” after “commercial”, the sentence to read: The Property shall be maintained in perpetuity as open space without there being conducted thereon any industrial, commercial (excluding forestry) or residential activities.
- Page 1, Paragraph 4, 2nd sentence, delete “provided that the scenic characteristics of the Property shall not be degraded by on-site activities.” The sentence should read, “Passive, low impact, non-commercial recreational uses (including hunting and fishing) are permitted.”
- Section 1.3 – delete the entire section. A motion was made by Steve to delete section 1.3. Pat 2nd. 3 votes in the affirmative and 1 abstention. The motion carried.
- Section 1.4 – second sentence, delete “Grantor or”. Also, delete the last sentence. The paragraph should end “...directing hikers to remain on established trails.”
- Section 1.7 – change the sentence to read “The Grantee shall not permit or allow the use of motorized vehicles on the Property except for permitted forestry activities carried on in accordance with paragraph 1.”
- Section 1.8 – change the sentence to read, “The Grantee shall not permit or allow overnight camping or campfires on the property without prior written approval of the Weare Conservation Commission.”
- Section 1.10 – change entire paragraph to: “Forestry shall be permitted under the guidance of a written forest management plan prepared by a New Hampshire licensed professional forester or other natural resources professional.”

4). Robert and Gail Silva (Cold Springs RV) Lot 411/103 – Steve made motion to sign the Minimum Impact Expedited Application. Pat 2nd. All voted in favor.

5). Art Siciliano Lot 202/10.1 – the cluster subdivision plan has been changed to create more buildable lots. Andy posed the idea of moving lots .7, .6, and .5 to eliminate the access at the end of the road and shorten lots toward the road, to consolidate the open space. Art speculated that this would be possible if the change in the regulations from 100’ to 50’ buffer applies. Pat and Andrea raised the issue that the wetland to be impacted could be a vernal pool. Discussion followed regarding the possibility of changing the subdivision to avoid the wetland and whether that would save the vernal pool. Tom Carr is the wetlands scientist on the project, and although he must abstain from commenting, the group will ask him whether he believes the wetland to be a vernal pool or not.

6). Edgar J Jones Revocable Trust & Lawrence E. & Allison M. Benders, Lot Line Adjustment, Duck Pond Road, Map 405 Lots 54 & 54.1 – no comments to Planning Board.

Duly Recorded as a True Record,

Andrea Alderman

cc: Town Clerk
BOS
Tina Pelletier
Commission Files

